

DIS Case Number: 18-1723-EL-AGG

Section A: Application Information

A-1. Provider type:

☒ Power Broker
 ☒ Aggregator
 ☐ Retail Generation Provider
 ☐ Power Marketer

A-2. Applicant's legal name and contact information.

Legal Name: Open Market Energy LLC

Phone: 240-482-4729

Extension (if applicable):

Website (if any):

www.openmarketenergy.net

Country: United States

Street: 7625 WISCONSIN AVE Suite 200

City: BETHESDA

Province/State: MD

Postal Code: 20814

A-3. Names and contact information under which the applicant will do business in Ohio

Provide the names and contact information the business entity will use for business in Ohio. This does not have to be an Ohio address and may be the same contact information given in A-2.

Name	Type	Address	Active?	Proof
Open Market Energy, LLC	Official Name	7625 WISCONSIN AVE Suite 200 BETHESDA, MD 20814	Yes	File

A-4. Names under which the applicant does business in North America

Provide all business names the applicant uses in North America, including the names provided in A-2 and A-3.

Name	Type	Address	Active?	Proof
Open Market Energy, LLC	Official Name	7625 WISCONSIN AVE Suite 200 BETHESDA, MD 20814	Yes	File



A-5. Contact person for regulatory matters

John Gardiner
7625 wisconsin ave ste 200
bethesda, MD 20814
US
john@openmarketenergy.net
2404824738

A-6. Contact person for PUCO Staff use in investigating consumer complaints

CONSUMER COMPLAINT- Open Market Energy, LLC
7625 WISCONSIN AVE Suite 200
BETHESDA, MD 20814
US
licensing@openmarketenergy.net
2404824738

A-7. Applicant's address and toll-free number for customer service and complaints

Phone: 3015032225	Extension (if applicable):	Country: United States
Fax: 240-599-1111	Extension (if applicable):	Street: 7625 WISCONSIN AVENUE
Email: accounting@openmarketenergy.net	City: Bethesda	Province/State: MD
	Postal Code: 20814	

A-8. Applicant's federal employer identification number

26-0428080

A-9. Applicant's form of ownership

Form of ownership: Limited Liability Company (LLC)

A-10. Identify current or proposed service areas

Identify each service area in which the applicant is currently providing service or intends to provide service and identify each customer class that the applicant is currently serving or intends to serve.



Service area selection

AEP Ohio

Class of customer selection

Commercial

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 09-07-2016

A-12. Principal officers, directors, and partners

Please provide all contacts that should be listed as an officer, director or partner.

Name	Email	Title	Address
Matt Gardiner	matt@openmarketenergy.net		7625 Wisconsin Ave Bethesda, MD 20814 US
John Gardiner	john@openmarketenergy.net	President	7625 Wisconsin Ave Ste 200 Bethesda, MD 20814 US
Amy Gardiner	amy@openmarketenergy.net		7625 Wisconsin Avenue Suite 200 Bethesda, MD 20814 US

A-13. Company history

Open Market Energy is a full-service energy consulting company providing procurement, management and energy solutions to clients in the commercial, industrial, educational, governmental, and non-profit industries.

OME provides electric and gas account procurement services and account management for a client profile, which is comprised of commercial businesses and mid-size real estate developers. The clients' energy usage is anywhere from 1 to 50 million kWh per year over multiple accounts, with the majority of our clients carrying an average load profile of 10 million kWh. We currently manage over 3,000 electric accounts and over 5,000 natural gas accounts, serving over 1,000,000,000 kWh and 7,500,000 dth. Our clients include MGM Casino, Panera Bread, Washington Properties, Associated Press, CSPAN and Matan Development. Open Market

Energy has developed significant relationships with the major property managers, industrial customers and government agencies in the Mid-Atlantic region.

A-14. Secretary of State

Secretary of State Link:

Section B: Applicant Managerial Capability and Experience

B-1. Jurisdiction of operations

List all jurisdictions in which the applicant or any affiliated interest of the applicant is certified, licensed, registered or otherwise authorized to provide retail natural gas service or retail/wholesale electric service as of the date of filing the application..

Jurisdiction of Operation: Open Market Energy LLC is licensed to operate as an electric energy aggregator/broker under the name Open Market Energy LLC in the following States:

Electric Supply Services(broker):

- Maryland: Licensed since July 2010
- Washington, D.C.: Licensed since April 2011
- Pennsylvania: July 2015
- Delaware: August 2017
- New Jersey: September 2017
- Massachusetts: June 2018
- Virginia: December 2019

B-2. Experience and plans

Describe the applicant's experience in providing the service(s) for which it is applying (e.g., number and type of customers served, utility service areas, amount of load, etc.). Include the plan for contracting with customers, providing contracted services, providing billing statements and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Sections 4928.10 and/or 4929.22 of the Ohio Revised Code.

Application Experience and Plan Description: Open Market Energy LLC does not supply or take title to electricity and does not enter into any contract with customers. As electrical service brokers, the only contract is between the suppliers and the customers. We do not bill the customer for any energy procurement services and we are entirely compensated by the suppliers we represent.

OME assists and advocates for our customers with any issues (billing, usage, taxation or energy related) that they may have with the utility or supplier as it relates to energy procurement.



Customers can reach out to their account manager at any time for assistance, either contacting them directly or using our toll-free number. OME defers to existing fair dispute resolution procedures that utilities/suppliers have in place.

Steve Pritchett, our VP of Business Development, will be responsible for the operations conducted in Ohio. Mr. Pritchett has over 30 plus years of experience in the energy business. His experience includes 10 years of work for a utility company in the DC metropolitan area where he analyzed tariff classes and managed natural gas procurement for large interruptible gas accounts. Pritchett's experience also includes 20 years as a broker/account manager at WGES(now WGL) for both electric and natural gas customers.

B-3. Disclosure of liabilities and investigations

For the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant, describe all existing, pending or past rulings, judgments, findings, contingent liabilities, revocation of authority, regulatory investigations, judicial actions, or other formal or informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction..

Liability and Investigations Disclosures: N/A Open Market Energy LLC has no Liabilities and Investigations to disclose.

B-4. Disclosure of consumer protection violations

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years?

No

B-5. Disclosure of certification, denial, curtailment, suspension or revocation

Has the applicant, affiliate, or a predecessor of the applicant had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, revoked, or cancelled or been terminated or suspended from any of Ohio's Natural Gas or Electric Utility's Choice programs within the past two years?

No



Section C: Applicant Financial Capability and Experience

C-1. Financial reporting

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or upload the form. If the applicant does not have a Form 10-K, submit the parent company's Form 10-K. If neither the applicant nor its parent is required to file Form 10-K, state that the applicant is not required to make such filings with the SEC and provide an explanation as to why it is not required.

Does not apply

C-2. Financial statements

Provide copies of the applicant's two most recent years of audited financial statements, including a balance sheet, income statement, and cash flow statement. If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, provide audited or officer certified financial statements covering the life of the business. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns with **social security numbers and bank account numbers redacted**.

If the applicant is unable to meet the requirement for two years of financial statements, the Staff reviewer may request additional financial information.

File(s) attached

C-3. Forecasted financial statements

Provide two years of forecasted income statements **based solely on the applicant's anticipated business activities in the state of Ohio**.

Include the following information with the forecast: a list of assumptions used to generate the forecast; a statement indicating that the forecast is based solely on Ohio business activities only; and the name, address, email address, and telephone number of the preparer of the forecast.



The forecast may be in one of two acceptable formats: 1) an annual format that includes the current year and the two years succeeding the current year; or 2) a monthly format showing 24 consecutive months following the month of filing this application broken down into two 12-month periods with totals for revenues, expenses, and projected net incomes for both periods. Please show revenues, expenses, and net income (revenues minus total expenses) that is expected to be earned and incurred in **business activities only in the state of Ohio** for those periods.

If the applicant is filing for both an electric certificate and a natural gas certificate, please provide a separate and distinct forecast for revenues and expenses representing Ohio electric business activities in the application for the electric certificate and another forecast representing Ohio natural gas business activities in the application for the natural gas certificate.

File(s) attached

C-4. Credit rating

Provide a credit opinion disclosing the applicant's credit rating as reported by at least one of the following ratings agencies: Moody's Investors Service, Standard & Poor's Financial Services, Fitch Ratings or the National Association of Insurance Commissioners. If the applicant does not have its own credit ratings, substitute the credit ratings of a parent or an affiliate organization and submit a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant. If an applicant or its parent does not have such a credit rating, enter 'Not Rated'.

This does not apply

C-5. Credit report

Provide a copy of the applicant's credit report from Experian, Equifax, TransUnion, Dun and Bradstreet or a similar credit reporting organization. If the applicant is a newly formed entity with no credit report, then provide a personal credit report for the principal owner of the entity seeking certification. At a minimum, the credit report must show summary information and an overall credit score. **Bank/credit account numbers and highly sensitive identification information must be redacted.** If the applicant provides an acceptable credit rating(s) in response to C-4, then the applicant may select 'This does not apply' and provide a response in the box below stating that a credit rating(s) was provided in response to C-4.

This does not apply.

C-6. Bankruptcy information

Within the previous 24 months, have any of the following filed for reorganization, protection from creditors or any other form of bankruptcy?

- Applicant
- Parent company of the applicant
- Affiliate company that guarantees the financial obligations of the applicant
- Any owner or officer of the applicant

No

C-7. Merger information

Is the applicant currently involved in any dissolution, merger or acquisition activity, or otherwise participated in such activities within the previous 24 months?

No

C-8. Corporate structure

Provide a graphical depiction of the applicant's corporate structure. Do not provide an internal organizational chart. The graphical depiction should include all parent holding companies, subsidiaries and affiliates as well as a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America. If the applicant is a stand-alone entity, then no graphical depiction is required, and the applicant may respond by stating that it is a stand-alone entity with no affiliate or subsidiary companies.

Stand-alone entity with no affiliate or subsidiary companies

Section D: Applicant Technical Capacity

D-1. Operations

Power brokers/aggregators: Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of electricity to retail customers.



Operations Description: OME provides electric and gas account procurement services and account management for a client profile, which is comprised of commercial businesses and mid-size real estate developers. The clients' energy usage is anywhere from 1 to 50 million kWh per year over multiple accounts, with the majority of our clients carrying an average load profile of 10 million kWh. We currently manage over 3,000 electric accounts and over 5,000 natural gas accounts, serving over 1,000,000,000 kWh and 7,500,000 dth. Our clients include MGM Casino, Panera Bread, Washington Properties, Associated Press, CSPAN and Matan Development. Open Market Energy has developed significant relationships with the major property managers, industrial customers and government agencies in the Mid-Atlantic region.

D-2. Operations Expertise & Key Technical Personnel

Given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations. Include the names, titles, e-mail addresses, and background of key personnel involved in the operations of the applicant's business.

Operations Expertise & Personnel Description: Open Market Energy LLC does not supply or take title to electricity and does not enter into any contract with customers. As electrical service brokers, the only contract is between the suppliers and the customers. We do not bill the customer for any energy procurement services and we are entirely compensated by the suppliers we represent.

OME assists and advocates for our customers with any issues (billing, usage, taxation or energy related) that they may have with the utility or supplier as it relates to energy procurement. Customers can reach out to their account manager at any time for assistance, either contacting them directly or using our toll-free number. OME defers to existing fair dispute resolution procedures that utilities/suppliers have in place.

Steve Pritchett, our VP of Business Development, will be responsible for the operations conducted in Ohio. Mr. Pritchett has over 30 plus years of experience in the energy business. His experience includes 10 years of work for a utility company in the DC metropolitan area where he analyzed tariff classes and managed natural gas procurement for large interruptible gas accounts. Pritchett's experience also includes 20 years as a broker/account manager at WGES(now WGL) for both electric and natural gas customers.



Public Utilities
Commission

Application Attachments



DATE
06/23/2016

DOCUMENT ID
201617402194

DESCRIPTION
REGISTRATION OF FOREIGN FOR PROFIT LLC
(LFP)

FILING
99.00

EXPED
0.00

PENALTY
0.00

CERT
0.00

COPY
0.00

Receipt

This is not a bill. Please do not remit payment.

OPEN MARKET ENERGY LLC
7625 WISCONSIN AVE
BETHESDA, MD 20814

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted
3914859

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

OPEN MARKET ENERGY LLC

and, that said business records show the filing and recording of:

Document(s)

REGISTRATION OF FOREIGN FOR PROFIT LLC

Effective Date: 06/14/2016

Document No(s):

201617402194



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
23rd day of June, A.D. 2016.

Ohio Secretary of State

11/16/20

Open Market Energy, LLC

Balance Sheet Standard

As of December 31, 2019

	Dec 31, '19	Dec 31, '18
ASSETS		
Current Assets		
Checking/Savings		
United Bank	22,061.51	101,326.18
Profit Sharing Money Mar...	3,003.08	10,501.16
Total Checking/Savings	25,064.59	111,827.34
Other Current Assets		
Commission Advances	21,928.00	10,871.68
Total Other Current Assets	21,928.00	10,871.68
Total Current Assets	46,992.59	122,699.02
Other Assets		
OME Solar LLC	116,270.63	0.00
1851 South Club Solar	250,936.11	250,000.00
OME Solutions	0.00	10,000.00
Total Other Assets	367,206.74	260,000.00
TOTAL ASSETS	414,199.33	382,699.02
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Other Current Liabilities		
Voya 401K Plan	0.00	7,500.00
Loans	380,000.00	250,000.00
Total Other Current Liabil...	380,000.00	257,500.00
Total Current Liabilities	380,000.00	257,500.00
Total Liabilities	380,000.00	257,500.00

11/16/20

Open Market Energy, LLC
Balance Sheet Standard
As of December 31, 2019

	<u>Dec 31, '19</u>	<u>Dec 31, '18</u>
Equity		
John Gardiner Equity	-816,324.03	-453,389.03
Matt Gardiner Equity	-934,610.70	-434,610.70
Retained Earnings	1013198.75	0.00
Net Income	<u>771,935.31</u>	<u>1013198.75</u>
Total Equity	<u>34,199.33</u>	<u>125,199.02</u>
TOTAL LIABILITIES & EQUITY	<u><u>414,199.33</u></u>	<u><u>382,699.02</u></u>

11/16/20

Open Market Energy, LLC

Profit and Loss Standard

January through December 2019

	Jan – Dec '19	Jan – Dec '18
Ordinary Income/Expense		
Income		
Energy Efficiency Income	0.00	75,387.50
Consulting Income	10,649.70	0.00
Energy Sales Commissi...	4,698,408.46	4,732,208.18
Total Income	4,709,058.16	4,807,595.68
Cost of Goods Sold		
Energy Efficiency COGS	0.00	188.89
Total COGS	0.00	188.89
Gross Profit	4,709,058.16	4,807,406.79
Expense		
Continuing Education	300.00	0.00
Salary and Commissions	3,059,216.83	1,470,116.70
Advertising	1,750.00	5,190.73
Bank Service Charges	2,235.88	580.69
Contributions	2,000.00	1,500.00
Donations	1,650.00	224.95
Dues and Subscriptions	7,999.56	13,502.35
Insurance	64,157.88	62,041.79
Interest Expense	18,903.39	6,166.22
Licenses and Permits	10,915.02	11,153.07
Marketing	16,661.51	7,994.88
Miscellaneous	1,332.86	-0.75
Office Equipment	2,805.56	74.00
Office Supplies	8,824.05	8,128.56
Parking	639.05	206.90
Postage and Delivery	493.81	585.01
Printing and Reproducti...	314.76	1,207.83
Professional Fees	239,905.05	192,850.02
Rent	78,609.60	68,240.00

11/16/20

Open Market Energy, LLC
Profit and Loss Standard
January through December 2019

	Jan – Dec '19	Jan – Dec '18
Repairs	69.99	230.70
Software	30,975.89	11,498.81
Surety Bond Fee	1,000.00	800.00
Taxes	-608.44	0.00
Telephone	1,335.92	1,144.91
Travel & Ent	60,939.67	56,273.29
Total Expense	3,612,427.84	1,919,710.66
Net Ordinary Income	1,096,630.32	2,887,696.13
Other Income/Expense		
Other Income		
Interest Income	1.92	1.16
Total Other Income	1.92	1.16
Other Expense		
Consultants	324,696.93	1,874,498.54
Other Expenses	0.00	0.00
Total Other Expense	324,696.93	1,874,498.54
Net Other Income	-324,695.01	-1874497.38
Net Income	771,935.31	1,013,198.75

Open Market Energy, LLC

Electric Revenue

	State	Total	December	November	October	September	August	July	June	May	April	March	February	January
Ohio	2019 Revenue	\$3,123.60	\$316.44	\$663.36	\$0.00	\$360.12	\$412.56	\$423.60	\$362.16	\$295.80	\$289.56	\$0.00	\$0.00	\$0.00
Ohio	2020 Revenue	\$2,688.35	\$0.00	\$0.00	\$0.00	\$196.92	\$202.68	\$164.88	\$80.88	\$74.76	\$143.87	\$283.44	\$261.60	\$299.52
Ohio	2021 Revenue Forecast	\$2,975.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$100.00	\$75.00	\$200.00	\$250.00	\$250.00	\$300.00
Ohio	2022 Revenue Forecast	\$2,975.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00	\$100.00	\$75.00	\$200.00	\$250.00	\$250.00	\$300.00

OME does not have any direct expenses in the state of Ohio except any filing or regulatory expense.

Forecast prepared by:

Mark Railey
Controller
Open Market Energy, LLC
7625 Wisconsin Avenue
Bethesda, MD 20814
240-482-3581

Competitive Retail Electric Service Affidavit

County of Montgomery :

State of Maryland :

John Gardiner, Affiant, being duly sworn/affirmed, hereby states that:

1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information provided.
2. The applicant will timely file an annual report of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Sections 4905.10(A), 4911.18(A), and 4928.06(F), Ohio Revised Code.
3. The applicant will timely pay any assessment made pursuant to Sections 4905.10, 4911.18, and 4928.06(F), Ohio Revised Code.
4. The applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
5. The applicant will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the applicant.
6. The applicant will fully comply with Section 4928.09, Ohio Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The applicant will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The applicant will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the applicant will provide, it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio.
11. The Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating consumer complaints.

12. The facts set forth above are true and accurate to the best of his/her knowledge, information, and belief and that he/she expects said applicant to be able to prove the same at any hearing hereof.

13. Affiant further sayeth naught.

John Gulian, President
Signature of Affiant & Title

Sworn and subscribed before me this 19th day of November, 2020

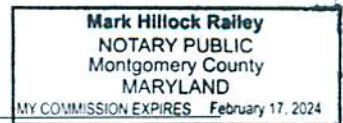
Month

Year

M H Railey
Signature of official administering oath

Mark H Railey, Notary
Print Name and Title

My commission expires on _____



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/24/2020 7:34:50 AM

in

Case No(s). 18-1723-EL-AGG

Summary: In the Matter of the Application of Open Market Energy, LLC